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ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

at 11 o'clock and 0 min. M.
MAY 23 2008
SUE BEITIA, CLERK

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

| | | |
|-------------------------------------|---|----------------------------|
| STEVEN DE COSTA, in his |) | CIVIL NO. 03-00598 DAE/LEK |
| representative capacity as |) | |
| Chairperson of the Board of |) | DEFENDANT'S NOTICE OF |
| Trustees of United Public Workers, |) | APPEAL; DEFENDANT'S |
| AFSCME Local 646, AFL-CIO, |) | REPRESENTATION |
| Mutual Aid Fund Trust, Real Party |) | STATEMENT; CERTIFICATE OF |
| in Interest, United Public Workers, |) | SERVICE |
| Local 646, AFL-CIO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| GARY W. RODRIGUES, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

DEFENDANT'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that GARY W. RODRIGUES

defendant in the above named case, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the (1) Order denying Defendant's motion to dismiss filed April 6, 2004; (2) Order denying Defendant's renewed motion for summary judgment filed November 26, 2007; (3) Findings of Fact and Conclusions of Law filed March 20, 2008; (4) Amendment to Findings of Fact and Conclusions of Law filed March 31, 2008; (5) Judgment in favor of Plaintiffs and against Defendant filed March 31, 2008, and; (6) the Order Denying Defendant's Motion for Reconsideration of Findings of Fact and Conclusions of Law, and for New Trial filed May 2, 2008.

DATED: Honolulu, Hawaii, MAY 23 2008.



ERIC A. SEITZ
LAWRENCE I. KAWASAKI

Attorneys for Defendant
Gary W. Rodrigues